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09/809,109	03/16/2001	Kaoru Shimamura	1046.1248	8921

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EXAMINER
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ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____3_____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☑ Responsive to communication(s) filed on _____6/7/04_____

2a) ☐ This action is **FINAL**.   2b) ☑ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☑ Claim(s) _____1-20, 23-26_____ is/are pending in the application.

   4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☑ Claim(s) _____1-20, 23-26_____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some* c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Request for Continued Examination(RCE)(Paper #6) filed 6/7/04.

2. Claims 1-3,7-9,11-13,16-18,20,23-26 were amended. Claims 21-22 were cancelled.

3. Claims 1-20,23-26 as amended are pending.

Claim Rejections - 35 USC § 103

4. Claims 1-20, 23-26 are rejected under 35 USC 103(a) as unpatentable over Int. Pat. WO 98/21713(Leville) in view of Ukai(US Pat. No: 5,137,379).

■■

5. As per claims 3,5-6,9,14,18 Leville teaches a system(Fig 1) that further comprises a data storage section(10) storing data sets and a creating section(10) creating a supply file including data corresponding to information of the elements to be purchased by using the set of data stored in the storage section as well as a supplying section(17) supplying the created supply file to the purchaser. Leville does not disclose a system wherein the "goods" denotes a set of data as the elements. Ukai teaches a printer wherein a set of data(stored in a ROM cartridge) is used to provide added font sets for the printer(font set data) and are sold as goods to allow a consumer to upgrade the performance of the printer. It would have been obvious to one skilled in the art at the time if the invention to modify the system of Leville to produce a system where the goods to be sold denotes a set of data as the elements to be sold as font set data t o upgrade a printer. The motivation to combine is to teach a system an improved printer

system with a cartridge for storing character font information and controlling printing information as enunciated by Ukai(col 2 lines 33-37).

6. As per claims 4,10,15,19 Leville teaches a system wherein the receiving section(10) receives a supply file further including information on past purchases by the purchaser.

7.As per claim 1 Leville discloses a system for selling goods(a merchandising systerm) through·a computer network(Fig 1), where the goods are a variety of elements which are different from each other and are sold one by one and the system comprises a unit storage section(host computer 10) storing a unit of the variety of elements according to the number of elements and ranges to each of which a unit is applied(page 7 lines 18-21), as well as a detecting section(20) detecting the number of elements to be purchased on the basis of information of one or more elements to be purchased which is received from a purchaser(page 10, lines 8-9) and a reading section(10) reading at least one unit applied to the element to be purchased on the basis of the number of elements detected from the unit storage section(page 8 lines 25-27) and a first calculating section(10) calculating the number of elements belonging to a range to which at least one unit is applied and a second calculating section(20) calculating the purchase price by using the read at least one unit and the number of elements calculated(page 10 lines 8-9). Leville does not disclose a system wherein the "goods" denotes a set of data as the elements. Ukai teaches a printer wherein a set of data(stored in a ROM cartridge) is used to provide added font sets for the printer(font set data) and are sold as goods to allow a consumer to upgrade the performance of the printer. It would have been obvious to one skilled in the art at the time if the invention to

modify the system of Leville to produce a system where the goods to be sold denotes a

set of data as the elements to be sold as font set data t o upgrade a printer. The

motivation to combine is to teach a system an improved printer system with a cartridge

for storing character font information and controlling printing information as enunciated

by Ukai(col 2 lines 33-37).

8. As per claim 2 Leville teaches a system comprising a purchase record storage

section(10) storing the number of elements purchased in the past(page 7 lines 21-

22)(purchasing history) and an addition section(10) reading the number of elements

purchased in the past from the purchase record storage section where the number of

elements is detected by the detecting section and adding the read number to the

detected number, wherein the reading section reads at least one unit applied to the

element to be purchased from the unit storage section by using a result of addition by

the addition section(page 7 lines 12-25) the computer(10) analysis adds the elements

purchased in the past to the elements to be purchased to determine the price to be

offered. Leville does not disclose a system wherein the "goods" denotes a set of data as

the elements. Ukai teaches a printer wherein a set of data(stored in a ROM cartridge) is

used to provide added font sets for the printer(font set data) and are sold as goods to

allow a consumer to upgrade the performance of the printer. It would have been obvious

to one skilled in the art at the time if the invention to modify the system of Leville to

produce a system where the goods to be sold denotes a set of data as the elements to

be sold as font set data t o upgrade a printer. The motivation to combine is to teach a

system an improved printer system with a cartridge for storing character font information and controlling printing information as enunciated by Ukai(col 2 lines 33-37).

9. As per claim 7 Leville discloses a system for a purchaser to purchase goods through a network where the goods are a variety of elements which are different from each other and are sold one by one where the system comprises a transmitting section(17) transmitting information of one or more elements to be purchased to a seller and a receiving section(17) receiving a price of the element to be purchased which is calculated by using at least one unit of an element determined on the basis of the number of elements to be purchased and a range to which the unit is applied and a display controlling section(17) displaying the received price onto a display. Leville does not disclose a system wherein the "goods" denotes a set of data as the elements. Ukai teaches a printer wherein a set of data(stored in a ROM cartridge) is used to provide added font sets for the printer(font set data) and are sold as goods to allow a consumer to upgrade the performance of the printer. It would have been obvious to one skilled in the art at the time if the invention to modify the system of Leville to produce a system where the goods to be sold denotes a set of data as the elements to be sold as font set data t o upgrade a printer. The motivation to combine is to teach a system an improved printer system with a cartridge for storing character font information and controlling printing information as enunciated by Ukai(col 2 lines 33-37).

10. As per claim 8 Leville teaches a system wherein the receiving section(17) receives a price of the element to be purchased which is calculated by using at least one unit of an

element determined on the basis of a result of addition between the number of elements

to be purchased and the number of elements purchased in the past by the purchaser.

12. As per claim 11 Leville teaches a goods selling system having a client(17) and a

server(10) connected to the client through a network(Fig 1), the goods being a variety of

elements which are different from each other and are sold individually where the client

comprising a transmitting/receiving section(17) transmitting information of one or more

elements to be purchased and a display controlling section(17) displaying a received

purchase price onto a display, the purchase price being received by the

transmitting/receiving section from the server(10) as a price of the element to be

purchased and the server comprising a unit storage section(10) storing units of the

variety of elements in accordance with the number of elements. Leville also teaches a

second transmitting/receiving section(10) receiving information of the element and

transmitting the purchase price and a detecting section(10) detecting the number of

elements to be purchased on the basis of the information of the element and a reading

section(10) reading at least one unit applied to the element to be purchased on the

basis of the detected number of elements from the unit storage section and a first

calculating section(10) calculating the number of elements belonging to a range to

which the read at least one unit is applied and a second calculating section(20)

calculating the purchase price by using the read at least one unit and the number of

calculated elements. Leville does not disclose a system wherein the "goods" denotes a

set of data as the elements. Ukai teaches a printer wherein a set of data(stored in a

ROM cartridge) is used to provide added font sets for the printer(font set data) and are

sold as goods to allow a consumer to upgrade the performance of the printer. It would have been obvious to one skilled in the art at the time if the invention to modify the system of Leville to produce a system where the goods to be sold denotes a set of data as the elements to be sold as font set data t o upgrade a printer. The motivation to combine is to teach a system an improved printer system with a cartridge for storing character font information and controlling printing information as enunciated by Ukai(col 2 lines 33-37).

13. As per claim 12 Leville teaches a computer readable medium on which a program for allowing a computer(10) to execute a process of selling goods through a network is recorded, where the goods being a variety of elements which are different from each other and are sold individually where the program comprises a step of storing a unit of the variety of elements according to the number of the elements a step of detecting the number of elements to be purchased ion the basis of information of one or more elements to be purchased which is received from a purchaser and a reading step of reading at least one unit applied to the element to be purchased on the basis of the number of elements detected and a step of calculating the number of elements belonging to a range to which at least one read unit is applied and astep of calculating the purchase price by using the read at least one unit and the number of elements calculated. Leville does not disclose a system wherein the "goods" denotes a set of data as the elements. Ukai teaches a printer wherein a set of data(stored in a ROM cartridge) is used to provide added font sets for the printer(font set data) and are sold as goods to allow a consumer to upgrade the performance of the printer. It would have

been obvious to one skilled in the art at the time if the invention to modify the system of

Leville to produce a system where the goods to be sold denotes a set of data as the

elements to be sold as font set data t o upgrade a printer. The motivation to combine is

to teach a system an improved printer system with a cartridge for storing character font

information and controlling printing information as enunciated by Ukai(col 2 lines 33-37).

14. As per claim 13 Leville inherently discloses a computer readable medium wherein

the program further comprises a step of storing the number of elements purchased by

the purchaser in the past and a step of reading the number of elements purchased in

the past when the number of elements is detected and adding the read number to the

detected number and a step of reading at least one unit applied to the element to be

purchased by using a result of the addition from the unit storage section. Note that in

order for the computer(10) to perform these steps, the computer must execute program

steps which must be encoded on a computer readable medium in order for the

computer to be able to read and execute the program.

15. As per claim 16 Leville inherently discloses a computer readable medium in which a

program for allowing a computer(10) to execute a process for a purchaser to purchase

goods through a network is recorded where the goods are a variety of elements which

are different from each other and are sold individually where the program comprises a

step of transmitting information of one or more elements to be purchased to a seller and

a step of receiving a price of the element to be purchased which is calculated by using

at least one unit of an element determined on the basis of the number of elements to be

purchased and a range to which the unit is applied and a step of displaying the received

price onto a display. Leville does not disclose a system wherein the "goods" denotes a set of data as the elements. Ukai teaches a printer wherein a set of data(stored in a ROM cartridge) is used to provide added font sets for the printer(font set data) and are sold as goods to allow a consumer to upgrade the performance of the printer. It would have been obvious to one skilled in the art at the time if the invention to modify the system of Leville to produce a system where the goods to be sold denotes a set of data as the elements to be sold as font set data t o upgrade a printer. The motivation to combine is to teach a system an improved printer system with a cartridge for storing character font information and controlling printing information as enunciated by Ukai(col 2 lines 33-37).

16. As per claim 17 Leville inherently discloses a computer readable medium wherein the program further comprises a step of receiving a price of the element to be purchased which is calculated by using at least one unit of an element determined on the basis of a result of addition between the number of elements to be purchased and the number of elements purchased in the past by the purchaser and a range to which the unit is applied.

17. As per claim 20 Leville discloses a system for selling goods through a network(Fig 1) comprising a storage section(10) storing a goods purchase record of a purchaser and a calculating section(10) calculating a purchase price of goods to be purchased which is received from the purchaser on the basis of the purchase records of the purchaser stored in the storage section. Leville does not disclose a system wherein the "goods" denotes a set of data as the elements. Ukai teaches a printer wherein a set of

data(stored in a ROM cartridge) is used to provide added font sets for the printer(font

set data) and are sold as goods to allow a consumer to upgrade the performance of the

printer. It would have been obvious to one skilled in the art at the time if the invention to

modify the system of Leville to produce a system where the goods to be sold denotes a

set of data as the elements to be sold as font set data t o upgrade a printer. The

motivation to combine is to teach a system an improved printer system with a cartridge

for storing character font information and controlling printing information as enunciated

by Ukai(col 2 lines 33-37).

18. As per claim 23 Leville discloses a system for selling goods through a network

comprising a transmitting section(17) transmitting information of goods to be purchased

which is designated by a purchaser to a seller and a receiving section(17) receiving a

purchase price of the goods to be purchased which is determined on the basis of the

purchase record of the purchaser in the past and a display controlling section(17)

displaying the received price onto a display. Leville does not disclose a system wherein

the "goods" denotes a set of data as the elements. Ukai teaches a printer wherein a set

of data(stored in a ROM cartridge) is used to provide added font sets for the printer(font

set data) and are sold as goods to allow a consumer to upgrade the performance of the

printer. It would have been obvious to one skilled in the art at the time if the invention to

modify the system of Leville to produce a system where the goods to be sold denotes a

set of data as the elements to be sold as font set data t o upgrade a printer. The

motivation to combine is to teach a system an improved printer system with a cartridge

for storing character font information and controlling printing information as enunciated by Ukai(col 2 lines 33-37).

19. As per claim 24 Leville teaches a goods selling system(Fig 1) having a client and a server connected to the client through the network where the client comprising a transmitting section(17) transmitting information of goods to be purchased which is designated by a purchaser to the server and a receiving section(10) receiving a purchase price of the goods to be purchased from the server and a display controlling section(17) displaying the received price onto a display and the server comprising a purchase record storage section(10) storing a goods purchase record of the purchaser and a calculating section(10) calculating a purchase price of the goods to be purchased which is received from the client on the basis of the purchase record of the purchaser stored on the purchase record storage section. Leville does not disclose a system wherein the "goods" denotes a set of data as the elements. Ukai teaches a printer wherein a set of data(stored in a ROM cartridge) is used to provide added font sets for the printer(font set data) and are sold as goods to allow a consumer to upgrade the performance of the printer. It would have been obvious to one skilled in the art at the time if the invention to modify the system of Leville to produce a system where the goods to be sold denotes a set of data as the elements to be sold as font set data t o upgrade a printer. The motivation to combine is to teach a system an improved printer system with a cartridge for storing character font information and controlling printing information as enunciated by Ukai(col 2 lines 33-37).

20. As per claim 25 Leville inherently discloses a computer readable medium on which

a program for allowing a computer(1) to execute a process for selling goods thgrough a

network is recorded where the program consists of a step of identifying a purchaser of

goods(purchaser registers at kiosk) and a step of obtaining a goods purchase records of

the purchaser(stored on server 10) and a step of calculating a purchase price of goods

to be purchased which is received from the purchaser on the basis of the purchase

record(discount provided to the purchaser). Leville does not disclose a system wherein

the "goods" denotes a set of data as the elements. Ukai teaches a printer wherein a set

of data(stored in a ROM cartridge) is used to provide added font sets for the printer(font

set data) and are sold as goods to allow a consumer to upgrade the performance of the

printer. It would have been obvious to one skilled in the art at the time if the invention to

modify the system of Leville to produce a system where the goods to be sold denotes a

set of data as the elements to be sold as font set data t o upgrade a printer. The

motivation to combine is to teach a system an improved printer system with a cartridge

for storing character font information and controlling printing information as enunciated

by Ukai(col 2 lines 33-37).

21. As per claim 26 Leville discloses a method for selling goods through a network(Fig

1) comprising identifying a purchaser of goods(purchaser register). Leville does not

disclose a system wherein the "goods" denotes a set of data as the elements. Ukai

teaches a printer wherein a set of data(stored in a ROM cartridge) is used to provide

added font sets for the printer(font set data) and are sold as goods to allow a consumer

to upgrade the performance of the printer. It would have been obvious to one skilled in

the art at the time if the invention to modify the system of Leville to produce a system where the goods to be sold denotes a set of data as the elements to be sold as font set data t o upgrade a printer. The motivation to combine is to teach a system an improved printer system with a cartridge for storing character font information and controlling printing information as enunciated by Ukai(col 2 lines 33-37).

Claim Rejections - 35 USC § 101

22.Claims 12-19 are further rejected under 35 USC 101 for failing to define a concrete, useful and tangible result.

Response to Arguments

23. Applicant's arguments have been considered but are not persuasive. The arguments are replied in the rejection.

Conclusion

24.   **THIS ACTION IS MADE NON-FINAL.**

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25.   Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

August 3, 2004

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER